

Amendments to the Claims

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1. (currently amended) A surgical instrument, comprising:
  - an elongate implement portion responsive to a firing motion and a closure motion;
  - a firing mechanism operably configured to produce the firing motion between an unfired position and a fully fired position;
  - a closing mechanism operably configured to close and to open the implement portion; [[and]]
  - a closing release mechanism operably configured to lock the closing mechanism when the implement portion is in the fully closed position, and responsive to an operator command to unlock the closing mechanism ~~only~~ when the firing mechanism is in an unfired position; and
  - a lockout mechanism operably configured to lock the closing release mechanism when:
    - (i) the implement portion is in the fully closed position, and
    - (ii) the firing mechanism is in any position other than the unfired position.
2. (currently amended) The surgical instrument of claim 1, wherein ~~said end effector~~ the implement portion comprises:
  - an elongate channel connected to ~~said the~~ shaft[[:]],
  - an anvil pivotally coupled to said the elongate channel for clamping tissue[[:]], and
  - a staple cartridge received in ~~said the~~ elongate channel;

wherein ~~said the firing mechanism further comprises a firing member,~~  
wherein the firing member distally terminates in a firing bar operably configured  
to actuate ~~said the~~ staple cartridge to form staples in the clamped tissue.

3. (currently amended) The surgical instrument of claim 1, ~~further comprising a~~  
wherein the firing mechanism further comprises a firing member, wherein the firing mechanism  
is further operably configured to transfer sequential firing strokes ~~as a~~ into distal longitudinal  
movement ~~into said of the~~ firing member.

4. (currently amended) The surgical instrument of claim 1, wherein ~~said the~~ firing  
mechanism further comprises a firing trigger having a means for traction ~~biased coupling of~~  
biasing, wherein the means for traction biasing couples multiple firing trigger actuations by an  
operator to produce a firing motion.

5. (currently amended) The surgical instrument of claim 1, wherein ~~said the~~ firing  
mechanism further comprises a firing member and a means for linked rack ~~coupling of~~ operably  
coupled to a firing trigger to transmit firing trigger actuations by an operator to ~~said the~~ firing  
member.

6 (currently amended) The surgical instrument of claim 5, wherein ~~said the~~ firing  
mechanism further comprises a means for traction ~~biased coupling of~~ biasing to couple multiple  
firing trigger actuations by an operator to the linked rack.

7. (withdrawn) A surgical instrument, comprising:  
an elongate implement portion responsive to a firing motion and a closure motion;  
and  
a handle portion connected to the elongate implement portion, comprising:  
a firing mechanism operably configured to produce the firing motion  
between an unfired position and a fully fired position,

an indicator member including a lockout surface, the indicator member responsive to the firing mechanism being in the unfired position to position the lockout surface in an unlocked position,

a closure trigger operably configured to produce the closure motion, moveable between an open position and a closed position, and lockable at the closed position, and

an unlocking control moveable from an unactuated to an actuated position to unlock the closure trigger when the lockout surface of the indicator member is in the unlocked position.

8. (withdrawn) The surgical instrument of claim 7, wherein the handle further comprises a housing, the unlocking control comprises a locking arm coupled to an exposed actuator, the closure trigger pivotally coupled to the housing and including an exposed actuator, the closure trigger pivotally coupled to the housing and including an upper portion engageable to the locking arm to lock the closure trigger in a closed position.

9. (withdrawn) The surgical instrument of claim 8, wherein the indicator member comprises a wheel presenting a discontinuous circular locking surface to the locking arm of the unlocking control.

10. (currently amended) A surgical instrument, comprising:  
an elongate implement portion responsive to a firing motion and a closure motion;  
a firing mechanism operably configured to produce the firing motion between an unfired position and a fully fired position;  
a closing mechanism operably configured to close and to open the implement portion;

[[and]]

a closing release means to clamp the implement portion [[is]] in the fully closed position, and responsive to an operator command to open the implement portion ~~unlock the closing mechanism only~~ when the firing mechanism is in an unfired position; and

a lockout mechanism configured to lock the clamped implement portion in the fully closed position when the firing mechanism is in any position other than the unfired position.